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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,896	02/03/2004	Jentje Deelstra	04132.0029.00US00	9174
32894	7590	02/07/2005	EXAMINER	
HOWREY SIMON ARNOLD & WHITE LLP C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR., SUITE 200 FALLS CHURCH, VA 22042			LOFDAHL, JORDAN M	
		ART UNIT	PAPER NUMBER	
			3644	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/769,896	DEELSTRA, JENTJE
	Examiner Jordan Lofdahl	Art Unit 3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 February 2004.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 14-18 is/are rejected.
- 7) Claim(s) 10-13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/7/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Objections***

Claims 1, 16 and 17 are objected to because of the following informalities:

Claim 1, line 10, "a robot arm" should be --a third robot arm--.

Claim 16, line 1, "the robot arm" should be --the third robot arm--.

Claim 17, line 1, "the robot arm" should be --the third robot arm--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Forsen et al. (6386141).

As to claim 1, Forsen et al. discloses a first robot arm (12); a second arm (4); a first horizontal axis (7); a second axis (11); a robot arm (16); and a first actuator (8a) having a first point of application on the first robot arm and having second point below the first horizontal axis (fig. 3).

As to claim 2, disclosed is a fencing (2 and 5); the first robot arm is pivotably connected (7) to the upper side of the fencing and the second axis (11) is outside the parlour (fig. 1).

As to claim 3, disclosed is the second point of the first actuator located on the fencing (fig. 1, attachment point of (8a) to the support means (2)) at a place below the first horizontal axis.

As to claim 4, disclosed is a second actuator (8b) having a first point on the second robot arm and having a second point on the fencing located a second distance below the first horizontal line (fig. 3).

As to claim 5, disclosed is a second actuator (8b) having a first point on the second robot arm and having a second point on the fencing located a second distance below the first horizontal line and the second distance being less than the first distance (fig. 3).

As to claim 6, disclosed is the first point on the second arm located approximately half way along the second arm (fig. 3).

As to claim 7, disclosed is the first point on the second arm facing the fencing (fig. 3).

As to claim 8, disclosed is the first point on the first arm located closer to the second axis than the first axis (fig. 3).

As to claim 9, disclosed is the first point of application on the first arm facing the robot arm (fig. 3, the arm can be pivoted horizontally and face the first point of application).

As to claim 14, disclosed is a position determining device (col. 4, lines 7-12).

As to claim 15, disclosed is a position determining device (col. 4, lines 7-12); the second actuator controllable due to the position determining device.

As to claim 18, Forsen et al. discloses a milking parlour with a fencing; a first robot arm (12); a second arm (4); a first horizontal axis (7); a second axis (11); a robot arm (16); and a first actuator (8a) having a first point of application on the first robot arm and having second point below the first horizontal axis (fig. 3).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsen et al. (6386141).

As to claims 16 and 17, not disclosed is the arm pivotably connected to the second arm. Forsen et al, however, discloses a the first and second arms pivotably connected. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the attachment means of the first and second arms with the attachment means between the third and second arm to create greater range of motion to more accurately place the teat cups.

#### ***Allowable Subject Matter***

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703.305.7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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